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**Platt**  
Borough Green And Platt

**25 JUNE 2025**

**TM/25/00296/PA**

**Location:** Grimble, Long Mill Lane, Crouch Borough Green, TN15 8QB

**Proposal:** Section 73 application for variation of condition 2 (plans list) of planning permission TM/23/03070 (Demolition of existing dwelling and erection of two new detached dwellings with associated works).

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## **1. Description of Proposal:**

1.1 This Section 73 application seeks to vary Condition 2 (Plan List) to allow various amendments to the approved plans under reference TM/23/03070 which granted permission for the demolition of the existing dwelling and the erection of two detached dwellings with associated works.

1.2 The amendments proposed are as follows:

- Reconfiguration of the internal layout;
- Creation of additional habitable rooms within the roofspace;
- Incorporation of 1 no. rooflights within each of the front and rear elevation roofs;
- Inclusion of 2 no. rooflights within the side (north west) elevation roof;
- One rooflight to be installed within flat roof area to serve the second floor landing;
- One additional obscure glazed window to be installed within the first floor of the south east facing elevation;
- Removal of 2 no. first floor obscure glazed windows from the north west elevation;
- Kitchen window on rear elevation to be altered to full height glazing panels;
- Solar panels to be installed on the south east facing roofs.

## **2. Reason for reporting to Committee:**

2.1 This application is referred to committee by Councillor Wendy Palmer in regard to concerns relating to overdevelopment of the site.

## **3. The Site:**

- 3.1 Grimbles was formally a detached bungalow situated on the eastern side of Long Mill Lane within the confines of the settlement of Crouch. The original dwelling has been since demolished and the previous application has been implemented.
- 3.2 The front garden area of the site incorporates various mature trees and vegetation and is covered by a Tree Preservation Order 65/10007/TPO. To the rear of the dwelling is undeveloped countryside falling within the Green Belt.
- 3.3 The property to the north is a detached bungalow known as White Pines, also set back from Long Mill Lane, but positioned slightly forward of Grimbles. Access to White Pines is via the same driveway, understood to be under the ownership of the occupants of this neighbouring dwelling.
- 3.4 To the south are two properties, a two storey dwelling called the Coach House situated immediately adjacent to the road frontage and forward of Grimbles. Behind The Coach House is a chalet dwelling called May Tree Cottage, situated beyond the rear building line of Grimbles. This property was constructed following the grant of permission in 2007 for a dwelling designed to have the appearance of a bungalow from the front and a two storey house from the rear, taking account of the level change at the site.

#### **4. Planning History (relevant):**

25/00194/PA - Approved - 17 April 2025

Details of condition 17 (surface water drainage) pursuant to planning permission TM/23/03070/PA (Demolition of existing dwelling and erection of two new detached dwellings with associated works.)

24/01073/PA - Deemed Discharge - 14 February 2025

Details submitted of conditions 3 (Materials), 6 (Levels), 7 (Services in relation to trees), 8 (Hard & soft landscaping), 9 (Tree protection measure), 11 (Bat emergence survey), 14 (External lighting), 15 (Ecological enhancements), 18 (Bin & bike storage facilities) submitted pursuant to planning permission TM/23/03070 (Demolition of existing dwelling and erection of two new detached dwellings with associated works.)

23/03070 - Approved - 24 May 2024

Demolition of existing dwelling and erection of two new detached dwellings with associated works.

13/02392/TPOC - Approved - 25 September 2013

(T1) Sweet Chestnut - Raise lower crown by 6 metres. (T2) Oak - Raise lower crown to 6 metres, thin and reduce crown by approximately 20%. (T3) Copper Beech - Raise lower crown to 6 metres and thin. (T4) Ash - Raise lower crown to 6 metres, thin and reduce back lowest bow by 5 metres. (T5) Hawthorne - Coppice to hedgerow level by approximately 2 metres. (T6 - T12) - Sweet Chestnuts - Crown lift to approximately 6 metres

**5. Consultees:**

- 5.1 Platt Parish Council – No comments received
- 5.2 Environmental Health Protection - No comments received
- 5.3 Waste Services – Standard bin information received

**6. Determining Issues:**

Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010. The National Planning Policy Framework (“NPPF”) and the associated National Planning Practice Guidance (“NPPG”) and National Design Guide are important material considerations.

The Scope of Section 73 Applications

- 6.3 A Section 73 application allows a change to specific conditions of a planning permission or to carry on development without compliance with one or more conditions.
- 6.4 A Section 73 application is not an amendment per se, a successful Section 73 application takes effect as a new and independent permission to carry out the same development as previously permitted, but subject to the new or amended conditions(s).
- 6.5 In regard to what constitutes a minor material amendment guidance is drawn from recent case law, *Armstrong v Secretary of State for Levelling-Up, Housing and Communities* [2023] EWHC 142 (Admin) in this case, the high court held that there is nothing within Section 73 that limits applications to "minor material amendments" or "non-fundamental variations." The court emphasised that, provided the variation is proposed to the conditions of a planning permission and such variation neither requires a change to the description of the development nor is inconsistent with it, there is no limit to the scope of the change under Section 73. Therefore, this case law establishes:

- No statutory limit to minor changes: Section 73 does not restrict applications to minor or non-material amendments.
- Conditions can be varied significantly: Applicants may seek substantial changes to conditions, including altering approved plans, as long as these changes do not conflict with the description of the development.
- Description of development is sacrosanct: Any change that would alter the fundamental nature of the development as described in the original permission requires a new planning application.

6.6 In this case the proposal seeks to vary condition 2 which would not amend the description of development.

#### Principle of Development

6.7 The principle for the re-development of this site has been established under reference TM/23/03070 for the demolition of existing dwelling and erection of two detached dwellings with associated works. This permission has been implemented and as such is extant and a material consideration.

#### Proposed Changes

6.8 These changes are as follows and relate to both plots.

- *Reconfiguration of the internal layout:*

Changes to the internal ground floor layout include squaring off the study and living room; repositioning of the cupboard and toilet and repositioning of the internal door to the integral garage.

The first floor layout changes from 5 bedrooms to 4 bedrooms, creating a larger master suite.

- *Creation of additional habitable rooms within the existing roof space;*

The revised internal layout will incorporate a guest suite (bed 5) and studio area within the existing roof space.

A large rooflight is proposed within the existing flat roof area which will serve the second floor landing, together with the insertion of 4 roof lights within the existing roof, (1 to front, 1 to the rear and 2 rooflights within the north west side elevation roof), all of which will facilitate and serve the additional accommodation within the existing roof.

- *External changes:*

Front elevation – 1 rooflight as noted above.

Rear elevation – 1 rooflight as noted above. It is also proposed to change the kitchen window on rear elevation to full height glazing panels.

Side (South East) – The main change to the appearance of the south east side elevation relates to the installation of solar panels. It is also proposed to change the single obscure glazed first floor window to two small windows. These will continue to serve a bathroom/wc and as such would remain obscure glazed.

Side (North West) – 2 rooflights as noted above. Removal of 2 first floor obscure glazed windows from the north west elevation.

- 6.9 Therefore, the key issues for consideration for the determination of this Section 73 application are considered to be, the effect on the character and appearance of the area, neighbouring amenity and parking provision.

#### Character and Appearance

- 6.10 Paragraph 135 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.11 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.12 Policy CP1 of the TMBCS requires all new development to result in high quality sustainable development. In addition, Policy SQ1 of the MDEDPD requires all development to reflect local distinctiveness and to protect, conserve and, where possible enhance the character the area.
- 6.13 Internally the dwellings remain 5 bed dwellings with the incorporation of a studio area within the roof slope.
- 6.14 The internal and external changes do not fundamentally alter the appearance of the dwellings, the provision of the additional accommodation is within the existing roof space and as such there would be no increase in the size of the dwellings.
- 6.15 The extant permission noted “*whilst the proposed residential intensification would result in a development that would appear more suburban in character, it would not be unduly prominent or incongruous in the street scene by reason of its siting relative to the road adjacent and the presence of substantial boundary treatments across the site frontage. The new dwellings would be proportionate to the plots. They would be roughly in line with the houses on both sides of the site and consistent with the prevailing building height. The form, design, fenestration and appearance of these*

*dwelling would also be sympathetic to those of the houses nearby. Subject to the requirement to submit a soft and hard landscaping scheme and a material palette, it is considered that the proposal could be made acceptable from a visual amenity perspective and compliant with the relevant policies in the Development Plan and the National Planning Policy Framework”.*

- 6.16 Given that the amendments do not change the size, height, layout or fundamentally change the appearance of the dwelling it is considered that the changes would not harm the appearance of the area in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

#### Residential Amenity

- 6.17 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.

- 6.18 Paragraph 135 (f) of the NPPF advises that:

“Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

- 6.19 In terms of residential amenity, the principle of development on this site together with the layout of the dwellings has already been established by the grant of the previous applications.

- 6.20 In setting out the changes above, consideration has been given to the impact on neighbour amenity. The extant permission noted *“the introduction of two two-storey houses onto a plot formerly occupied by a bungalow would inevitably involve a change in outlook and some impact on amenities for the occupants of adjacent properties but it is not considered unduly harmful to residential amenity of the neighbouring occupiers for all the reasons given earlier. Therefore, despite the concerns raised in the written representations, they could not substantiate a reason for refusal in respect of the relevant policies contained in the Development Plan”.*

- 6.21 Whilst there have been some changes to the fenestration, notably the insertion of roof lights within the roof slope and changes to windows at first floor level, this change would not result in any additional overlooking or loss of privacy. Those windows at first floor level will remain obscure glazed.

#### Access and Parking

- 6.22 Paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway

safety or the residual cumulative impacts on the road network would be severe. Policy SQ8 of the MDE DPD states that development should only be permitted where it would not significantly harm highway safety.

- 6.23 When considering the extant permission, it was noted that the additional daily vehicle activity onto the highway network associated with an extra dwelling in this location where there would be some reliance on private car, would not represent a sufficient reason for refusal.
- 6.24 The proposed amendments would not alter the parking provision for the site, nor would it result in any significant increase in vehicle movements.

#### Other Matters

- 6.25 Other matters relating to Ecology & Biodiversity, Trees & Landscaping, Flood Risk & Drainage, do not change as a result of the amendments proposed and there has been no changes to national or local plan policies on these matters to warrant coming to a different conclusion.
- 6.26 As a Section 73 application all conditions previously imposed will remain applicable. However, since the original application was granted, some conditions have been discharged and these have been reflected in the list of conditions below:
- 6.27 It is proposed to add a further condition in relation to the solar panels proposed as part of this Section 73 application.

### **7 Recommendation: Approved subject to compliance with the following conditions**

1. The development hereby permitted shall be begun before 23 May 2027

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Existing Floor Plans and Elevations DWG PL/740/04 received under 23/03070
  - Existing and Proposed Block Plan Dwg No. PL 740 01 Rev A received under 25/00296
  - Proposed Floor Plans and Elevations Dwg No. PL 740 02 Rev A received under 25/00296
  - Dwg No. PL/740/03 received under 23/03070
  - Tree survey Dwg No GR TSP 2173 01 received under 23/03070
  - Tree Protection Plan Dwg No. GR TPP 2184 03 received under 23/03070
  - Tree Removal Plan Dwg No. GR TRP 2184 02 received under 23/03070
  - Tree Survey Plan Dwg No. GR TSP 2184 01 received under 23/03070
  - Arboricultural Report BS5837 Tree Survey received under 23/03070

- Arboricultural Report received under 23/03070
- Bat survey received under 23/03070
- Preliminary Ecological Appraisal received under 23/03070
- Design & Access Statement received under 23/03070
- Condition 17 - Engineering layout drawing no. 24-143\_C01A by Hodel Consulting engineers received under 25/00194
- Condition 17 - Surface Water Drainage Strategy Report Form by Hodel Consulting Engineers received 16 April 2025 received under 25/00194
- Condition 3 (Materials) - Document reference PL/740/20 – Materials Schedule received under 24/01073.
- Condition 6 (Levels) - Drawing number SD/740/01 – Services Drawing received under 24/01073.
- Condition 7 (Services in relation to trees) - Drawing number SD/740/01 received under 24/01073.
- Condition 8 (Hard & soft landscaping) - Drawing number PL/740/05 received under 24/01073.
- Condition 9 (Tree protection measure) The Arboricultural Method Statement, dated 3rd July 2024, prepared by GRS Arboricultural Consultant Ltd received under 24/01073.
- Condition 11 (Bat emergence survey) A bat emergence survey dated 4th June 2024, by ArbTech Consulting Ltd received under 24/01073.
- •Condition 14 (External lighting) Drawing number PL/740/05 received under 24/01073.
- Condition 15 (Ecological enhancements) - Drawing number PL/740/05 received under 24/01073.
- Condition 18 (Bin & bike storage facilities) - Drawing PL/740/05 received under 24/01073.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. The approved development shall be carried out in accordance with the submitted details in relation to Condition 3 under application reference 24/01073 granted deemed consent on 14 February 2025. The development shall thereafter be constructed in accordance with the details of the approved material palette.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

4. The use shall not be commenced, nor the dwellings occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending,

revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

5. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer. (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use. (c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

6. a) The approved development shall be carried out in accordance with the submitted details in relation to Condition 6 under application reference 24/01073 granted deemed consent on 14 February 2025. b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation.

7. a) The approved development shall be carried out in accordance with the submitted details in relation to Condition 7 under application reference 24/01073 granted deemed consent on 14 February 2025. b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature.

8. a) The approved development shall be carried out in accordance with the submitted details in relation to Condition 8 under application reference 24/01073 granted deemed consent on 14 February 2025. b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. c) Any existing tree shown to be retained or trees or shrubs to be planted as

part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development.

9. a) The approved development shall be carried out in accordance with the submitted details in relation to Condition 9 under application reference 24/01073 granted deemed consent on 14 February 2025. b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the side elevations of the buildings other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

11. The approved development shall be carried out in accordance with the submitted details in relation to Condition 11 under application reference 24/01073 granted deemed consent on 14 February 2025. The development shall thereafter be implemented in accordance with the details as approved under this condition.

Reason: In the interests of wildlife protection in accordance with Paragraph 187 National Planning Policy Framework & policy NE2 of the Managing Development and the Environment DPD 2010.

12. Where a European Protected Species Licence is required following the bat emergence survey pursuant to Condition 11, the Licence must be obtained from Natural England and a copy of the Licence submitted to the Local Planning Authority for record prior to commencement of any development.

Reason: In the interests of wildlife protection in accordance with paragraph 187 of the National Planning Policy Framework (2024) & policy NE2 of the Managing Development and the Environment DPD 2010.

13. Where a bat mitigation strategy is recommended following the bat emergence survey pursuant to Condition 11, full details of this mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any development. The development shall not be occupied unless and until the bat mitigation strategy has been fully implemented in accordance with the approved details and thereafter retained and maintained.

Reason: In the interests of wildlife protection in accordance with paragraph 187 of the National Planning Policy Framework (2024) & policy NE2 of the Managing Development and the Environment DPD 2010.

14. The approved development shall be carried out in accordance with the submitted details in relation to Condition 14 under application reference 24/01073 granted deemed consent on 14 February 2025. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no external artificial lighting other than those identified in the approved artificial lighting scheme shall be installed within the site unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of wildlife protection in accordance with paragraph 187 of the National Planning Policy Framework (2023) & policy NE2 of the Managing Development and the Environment DPD 2010

15. The approved development shall be carried out in accordance with the submitted details in relation to Condition 15 under application reference 24/01073 granted deemed consent on 14 February 2025. The ecological enhancement plan shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted and thereafter be retained and maintained.

Reason: In the interests of wildlife protection in accordance with paragraph 180 of the National Planning Policy Framework (2023) & policy NE2 of the Managing Development and the Environment DPD 2010.

16. The development hereby approved shall be carried out in accordance with the approved preliminary ecological appraisal unless otherwise specified in the ecological enhancement plan pursuant to Condition 15 or agreed in writing by the Local Planning Authority.

Reason: In the interests of wildlife protection in accordance with paragraph 187 of the National Planning Policy Framework (2024) & policy NE2 of the Managing Development and the Environment DPD 2010.

17. The approved development shall be carried out in accordance with the submitted details in relation to Condition 17 under application reference 25/00194 granted on 17 April 2025. The development shall not be occupied unless until the

drainage strategy has been fully implemented in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure all surface water runoff resulting from this development is managed in a sustainable manner and the hierarchy of drainage options is adhered to in accordance with Policy CC3 of the Managing Development and the Environment DPD 2010 and Chapter 14 of the National Planning Policy Framework 2024.

18. The approved development shall be carried out in accordance with the submitted details in relation to Condition 11 under application reference 24/01073 granted deemed consent on 14 February 2025. The bike and bin storage facilities shall be provided in accordance with the approved details prior to first occupation of the development.

Reason: To ensure bins are stored and presented in a way that do not obstruct the areas intended for car parking and access and to promote the use of sustainable mode of transport in accordance with Chapter 9 of the National Planning Policy Framework 2024.

- 19 Prior to the occupation of the dwellings, the solar panels to be provided as shown on drawing No. PL/740/02 Rev A, shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

#### Informatives:

1. To avoid undue disturbance to neighbours during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours, Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
2. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. The applicant is therefore advised to prohibit fires on site during the development stage of this project.
3. Your attention is drawn to the comments of the Waste Services department with regard collection arrangements as outlined in their comments dated 22.11.2023.

Contact: Susan Field